IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 11.12.2017	Delivered on 12.2.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.2432 and 2433 of 2012

1.Jegatha Madhubala

2.Vidya Sharmili ... appellants

versus

1.The Secretary to Government,
Industries Department,
State Secretariat,
Fort St.George, Chennai 9

2.The Chairman,
and Managing Director,
SIPCOT,
No.19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai 8

3.The Special Tahsildar (Land Acquisition)
SIPCOT, Cheyyar Expansion Scheme,
Unit 3, Block 4,
Cheyyar, Tiruvannamalai District

4.The District Collector,
Tiruvannamalai district.

5.The District Deputy Director,
Mines and Minerals,
Collector's Office Tiruvannamalai,
Tiruvannamalai District ... respondents

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Appeals filed against the order passed by this Court dated 16.02.2012 passed in W.P.No.22231 and 22232 of 2010.

WP.No.22231/10: Writ petition filed under Article 226 of the Constitution of India praying for the issue a Writ of certiorari

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to Call for the records pertaining to the Sec.3(1) Notification under the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 issued by the 1st respondent published at pages 7-9 of Part II Section 2 of the Tamil Nadu Government Gazette No.209 dt.13.7.2010 in respect of the petitioners land in S.Nos.182/1A 182/1B 182/1C 182/1D 182/1E 182/2 & 187/3 and the consequential E-Form Notice issued by the 3rd respondent dt.18.8.2010 and quash the same.

WP.22232/10:Writ petition filed under Article 226 of the Constitution of India praying for the issue a Writ of certiorari to Calling for the records pertaining to the Sec.3(1) Notification under the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 issued by the 1st respondent published at pages 7-9 of Part II Section 2 of the Tamil Nadu Government Gazette No.211 dt.14.7.2010 in respect of the petitioners land in S.Nos.188/1B2B 188/3 188/5 and the consequential E-Form Notice issued by the 3rd respondent dt.18.8.2010 and quash the same and pass.

For appellant : Mrs.Meera Gnanasekar

For Respondents : Mrs.A.Sreejayanthi,
Spl.G.P., for respondents 1, 3 to 5

No appearance for R-2

COMMON JUDGMENT

K.K.SASIDHARAN, J.

The appellants challenged the acquisition of their land under the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1977 on the ground that the Competent Authority without application of mind acquired a granite quarry earning substantial foreign exchange. The Writ Petitions were dismissed by the learned Single Judge taking into account the response given by the requisitioning department to the District Collector with regard to the factual position and ground reality. The order is under challenge in this intra court appeals.

Brief facts:-

2. The Government of Tamil Nadu has recorded administrative sanction for acquisition of 716.88.5 Hectares of land in Mathur Village, Thiruvannamalai District. The District Collector conducted enquiry after publication of notification under Section 3(2) of the Act. The appellants in their objection submitted that they have been doing quarrying business and it was temporarily stopped. Due to quarrying operations, big pits

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were formed and as such, the land is not fit for establishing industry. The objection was overruled by the District Collector. The Government thereafter issued the notification under Section 3(1) of the Act.

3. The appellants challenged the notification before the writ court. The appellants have contended that the land was wrongly classified as water logged area and that a jet black granite of export quality is available there. The learned Single Judge considered the rival contentions and dismissed the Writ Petition.

4. The learned counsel for the appellants contended that the Government acquired a granite quarry for industrial purpose. Since the appellants were running a granite business using the quarry, it was not correct to acquire the land for another industrial purpose. No other point was argued before us.

5. We have also heard the learned Government Pleader for the respondents.

Discussion:-

6.The land owned by the appellants was acquired along with larger extent for industrial purpose. The Collector conducted enquiry after issuing notification under Section 3(2) of the Act 10 of 1999. The District Collector ultimately submitted a report to the Government. Thereafter, the Government issued a notification under Section 3(1) of the Act, acquiring the land.

7. The appellants have placed reliance on the communication sent by the District Collector, Tiruvannamalai to the Managing Director, SIPCOT wherein it was stated that Black Granite is available in the land and as such, it would not be prudent to acquire such land.

8. The Collector, during the course of enquiry, found that the subject land is situated on the middle of the scheme area and in view of the situation, it would not be possible to acquire the land in and around the said land.

9. The materials available on record show that quarrying operation was continued till 1989. Thereafter, agreement with the Government was not renewed. It is therefore clear that the quarrying operation was discontinued 20 years before the issuance of notification for acquisition. We, therefore, reject the contention on the basis of the nature of land sought to be acquired.

10. The appellants have not shown any kind of statutory violation in the matter of acquisition. The acquired land is part of larger extent of land acquired for industrial purpose. The learned Single Judge answered the issues raised by the appellants and rightly dismissed the Writ Petition. The appellants have not produced any acceptable materials before us

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to take a different view in the matter. We therefore confirm the order passed by the writ court.

11. In the upshot, we dismiss the intra court appeal. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

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Mines and Minerals,
Collector's Office Tiruvannamalai,
Tiruvannamalai District

+1cc to Mr.Meera Gnanasekar, Advocate SR.No.10794(14/03/2018)
+1cc to Government Pleader SR.No.11176

W.A.Nos.2432 and 2433 of 2012

KS(CO)
GN(27/02/2018)

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